

Honorable Thomas S. Zilly

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FILED ENTERED
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JUN 20 2005

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON



04-CV-01989-ORD

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WELLS FARGO BANK MINNESOTA,
N.A. AS TRUSTEE FOR THE HOLDER OF
THE SECURED ASSET SECURITIES
CORPORATION AMMORTIZING
RESIDENTIAL COLLATERAL TRUST
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2002 BCS,

Plaintiff,

v.

LEMUEL W. CHARLESTON AND MAUREEN
H. CHARLESTON, husband and wife, GALA
WAY FREEHOLD 116; DENNIS FOISY;
CLIFTON WYATT; ESTATE BUILDERS, INC.;
ANTHONY WHITE; MORTGAGE FREEDOM;
FINANCIAL CONSULTING SOLUTIONS,
LLC; FCS, LLC; IONTOIEH; BARCLAY
BARRINGTON; PERSONS IN POSSESSION

Case No: 04-CV-01989
(~~PROPOSED ORDER~~)
ORDER
GRANTING PLAINTIFF WELLS FARGO
BANK MINNESOTA'S MOTION FOR
SUMMARY JUDGMENT

Law Office

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A Professional Service Corporation

ORDER ON PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT
Cause No. CV41989 - 1

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1 OR CLAIMING RIGHT TO POSSESSION and
 2 OTHER UNKNOWN CLAIMANTS
 3 Defendants.

4 This matter having come on regularly and duly for hearing before the Honorable Thomas
 5 S. Zilly upon the Plaintiff's Motion to Disqualify Dennis Foisy from appearing in a
 6 Representative capacity and for Summary Judgment and this court having read and considered
 7 the Plaintiff's Motion and Memorandum of Authorities, the Declaration and exhibits to the
 8 Newland Declaration, the Declaration of Thomas George, and no documents having been filed in
 9 opposition to the motion, and an order disqualifying Mr. Foisy from representing or advocating
 10 on behalf of Gala Way Freehold 116 or filing pleadings or other documents on behalf of Gala
 11 Way Freehold 116 in the minute order entered 5/18/2005, and the Court being fully informed in
 12 the premises;
 13

14
 15 IT IS HEREBY ORDERED that summary judgment be and it hereby is granted as
 16 follows against defendants LEMUEL W. CHARLESTON AND MAUREEN H.
 17 CHARLESTON, GALA WAY FREEHOLD 116; DENNIS FOISY; CLIFTON WYATT;
 18 ESTATE BUILDERS, INC.; MORTGAGE FREEDOM; IONTOIEH; BARCLAY
 19 BARRINGTON; PERSONS IN POSSESSION OR CLAIMING RIGHT TO
 20 POSSESSION, AND UNKNOWN CLAIMANTS:
 21

22 1. That Plaintiff Wells Fargo Bank Minnesota, N.A. As Trustee for the Holders of
 23 the Secured Asset Securities Corporation Summary Judgment is not bound in any way by the
 24 purported arbitration award dated July 30, 2004 by Southeast Arbitration & Mediation, LLC and
 25 such purported award is determined to be void; and
 26
 27
 28

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2. That the Plaintiff is the owner in fee and title is quieted in Plaintiff to the real property commonly known as: 5806 Spokane Street, Seattle, Wa. 98116 legally described as

THE EAST HALF OF THE SOUTH 65 FEET OF TRACT, ALKI POINT,
ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 8 OF
PLATS, PAGE 19, RECORDS OF KING COUNTY, WASHINGTON.
EXCEPT THE WEST 65 FEET THEREOF (the "Property").

~~IT IS FURTHER ORDERED that effective August 1, 2005, or as soon thereafter as~~
~~Plaintiff shall apply therefore, a Writ of Ejectment be issued forthwith directing the US Marshal~~
~~to take reasonable steps as needed, to remove the above named defendants from the Property and~~
~~anyone else claiming by, through, or under said defendants.~~

Dated this 17th day of June, 2005.


THE HONORABLE THOMAS S. ZILLY

Presented by:

/s/ Susan J. Robinson
Susan J. Robinson, WSB#11978
Floyd L. Newland, WSB#1009
Robinson Tait, P.S.
Attorneys for Plaintiff

Agreed; Notice of Presentation Waived:

Michael Hunsinger, WSB#
Attorney for Defendants Charleston